

REMARKS

Upon entry of the present amendment, the claims in the application are claims 2-12 and 14-18 and 20-23, of which claims 3-5 are independent. Claims 4 and 5 have been allowed, which applicant gratefully acknowledges. Claims 13 and 19 have been cancelled.

In the Claims

Claim 3 has been amended herein by changing the final clause thereof to now define that, "...a communication link between any specific one of the communication terminals and any specific one of said at least one communication satellite station can be established via a plurality of communication channels respectively including different ones of the mobile repeater stations", claim 20 is amended to define "...the communication link is selectively established via the one of the plurality of communication channels including said mobile repeater station with appropriate proximity to the specific communication terminal and giving highest signal quality", while new claims 21-23 define further aspects of the invention relating to the modified clause of claim 3.

Applicant respectfully submits that the amendments are fully supported by the original disclosure, including the discussion at page 16, lines 14-32 of the specification. Applicant also respectfully submits that no new matter is introduced by way of the amendments.

Claim Rejections -- 35 USC 102

Claims 3, and 13-16 are rejected under 35 USC 102(a) as being anticipated by Karabinis (US patent 5,937,332). The Examiner states that Karabinis teaches the land mobile satellite communication system including at least one communication satellite, a plurality of portable

communication terminals for communicating through a link to be formed with at least one communication satellite station, and a plurality of mobile repeater stations mounted on mobiles located on the earth for repeating a communication in the communication link formed between the portable communication terminals and including at least one communication satellite station. Further, the Examiner states that Karabinis system would inherently involve the mobile repeater stations including a means for communicating with the communication satellite stations by using a carrier wave of a higher frequency than a frequency of a carrier wave to be used for communicating with the portable communication terminals. Still further, the Examiner states that, "...Karabinis teaches the mobile repeater station are dedicated for use in association with any given ones of the portable communication terminals (see fig. 6, col. 5, lines 16-21, since the repeaters 200 repeated the signals by the one or more radiotelephones 200).

Applicant's Response

Upon careful consideration, and in light of the above amendments to claim 3, applicant respectfully submits that the rejection based on Karabinis is overcome and that each of present claims 3 and 14-16 patentably distinguishes over Karabinis' disclosure, because such disclosure does not include (or suggest) all of the features of the claimed invention, including the features of the final clause added above.

The Standard for Anticipation

In the case of *Motorola, Inc. v. Interdigital Technology Corp.*, 121 F. 3d 1461 (CAFC 1997), the Court of Appeals for the Federal Circuit stated:

"For a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in the prior art (citation omitted). The (prior art) reference must describe the

applicant's claimed invention sufficiently to have placed a person of ordinary skill in the field of the invention in possession of it' (citations omitted). Although this disclosure requirement presupposes the knowledge of one skilled in the art of the claimed invention, that presumed knowledge does not grant a license to read into the prior art reference teachings that are not there."

The above-quoted passage is consistent with many previous cases of the Federal Circuit and with MPEP 2131, which reiterate the rule that **in order to anticipate a claim, a reference must teach every element of the claim.**

Applicant again respectfully submits that Karabinis not disclose each and every element of applicant's claimed invention.

In this regard, applicant's hereby incorporates-repeats the arguments presented in Amendment B discussing how Karabinis fails to teach several features of independent claim 3.

Further, applicant notes the Examiner's statements at the paragraph bridging pages 2-3 of the Office Action regarding Karabinis' teachings that the mobile repeater stations are dedicated (? not dedicated) for use in association with any given ones of the portable communication terminals, relating to the feature previously defined at the last clause of claim 3, but applicant respectfully submits that Karabinis' teachings do not correspond to the feature as previously claimed, nor does Karabinis' system achieve the advantages of the present invention. Particularly, the teachings of Karabinis to which the Examiner refers simply relate to the fact that one of his repeaters 200 has a plurality of communication terminals. In contrast, the non-dedicated nature of the mobile repeater stations of the invention pertains to the fact that mobile repeater stations do not belong to any special one/group of the portable communication terminals, and specific repeater stations are never identified-selected by users of the portable communication terminals, such that plural communication links can be established between such terminals and a satellite through

multiple mobile repeater stations.

Moreover, in order to expedite prosecution of the application, applicant has amended claim 3 herein to more specifically define the discussed feature in terms of a communication link involving a plurality of communication channels respectively including different ones of the mobile repeater stations.

Based on the foregoing, applicant respectfully submits that the rejection of claims 3, and 13-16 under 35 USC 102(a) as being anticipated by Karabinis is overcome in relation to present claims 3 and 14-16. Applicant therefore respectfully requests reconsideration and withdrawal of the such rejection.

Claim Rejections — 35 USC 103

1. The Examiner has rejected claims 2, and 6-12 under 35 USC 103(a) as being unpatentable over Karabinis in view of Wesel et al. Wesel et al. discloses a broadband communication system for mobile users in a satellite-based network, and it is the Examiner's position that it would have been obvious to persons skilled in the art at the time of the invention to have modified Karabinis' method based on the teachings of Wesel and matters well known in the art.

Applicant's Response

Upon careful consideration, and in light of the above amendments to claim 3, applicant respectfully submits that the rejection based on Karabinis and Wesel is overcome and that each of present claims 2 and 6-12 patentably distinguishes over the Karabinis and Wesel references, based on the foregoing arguments regarding the merits of present claim 3, which are not overcome by any additional teaching of Wesel, and on the following.

Initially, applicant respectfully submits that the references provide no reason or suggestion

or motivation to include the means for communicating with other stations through inter-satellite links as taught by Wesel et al. within the system disclosed by Karabinis because of the stated specific limited function of Karabinis' repeater, that is, as a device for signal reception, amplification, and transmission only.

As regards to claim 2, directed to the ability of each satellite station to communicate with other stations through inter-satellite links, the Examiner states that Wesel teaches each of the satellite stations including a means for communicating with other stations through inter-satellite links (Fig.1, satellite 14 communicating with satellite 12 and with satellite 15; page 2 [0028]). However, Wesel does not disclose a system wherein the satellites communicate with each other, instead Wesel discloses a system where in each satellite may communicate with an access node 22 situated such that the satellites 12, 14, and 15 can be connected by trunk lines to several possible networks. (page 2, [0028])

With regards to claim 7, as already discussed in applicant's Amendment B, Karabinis specifically does not teach a means for converting frequency and modulation for communication by changing software to allow for communications with conventional land mobile systems. Further, Karabinis states that there is no processing of the actual signal (column 6, lines 42-44).

With regards to claims 8 and 9, as mentioned in applicant's Amendment B, Karabinis does not disclose a repeater that is able to aim its antenna based on a position data received from the satellite, and in fact teaches manual adjustment of the orientation of the repeater housing to obtain and optimal signal. Neither Karabinis or Wesel, or a combination thereof, teach any feature corresponding to the satellite position information transmitting means or the capability of the mobile repeater to aim an antenna based on this transmitted information.

It is noted that the Examiner states that Wesel teaches the communication satellite stations include a means for functioning as a Peering points or Proxies to provide accessibility to conventional land mobile telephone systems or Internet. However, applicant respectfully submits that Wesel does not teach any feature corresponding to use of Proxies or Peering points in order to gain accessibility to land telephone systems or the internet. Wesel instead teaches that the user terminal 18,20 can transmit different types of signal and that the terminal may select which type of signal to transmit. (page 4, [0042]).

Regarding claims 11 and 12, as mentioned in applicant's Amendment B, Karabinis teaches a repeater having a stated limited function, specifically to only receive, amplify and transmit data. It is not obvious in view of Karabinis that the satellite communication station would include a means for storing data and acting as a server. Further, it is not obvious in view of Karabinis that the mobile repeater stations would include a means for responding to a request from the communication satellite stations and/or portable communication terminals and for functioning as providers.

2. The Examiner has rejected claim 17 under 35 USC 103(a) as being unpatentable over Karabinis in view of Lorbeck (US Patent Publication No. 2003 0114135), which is repeated from the Office Action dated 04 April 2005.

Applicant's Response

Upon careful consideration, applicant continues to respectfully traverse such rejection, and asserts that claim 17 is clearly patentably distinct over Karabinis for the reasons discussed above in relation to claims 2-3 (which are not overcome by Lorbeck) and the arguments previously asserted in relation to claim 17 in the Amendment B. Thus, applicant respectfully requests that the rejection

of claim 17 be reconsidered and withdrawn.

3. The Examiner has rejected claims 18-20 under 35 USC 103(a) as being unpatentable over Karabinis in view of Wilson (US Patent 6,141,533). Wilson et al. discloses a method and apparatus for a mobile repeater, and it is the Examiner's position that it would have been obvious to persons skilled in the art at the time of the invention to have modified Karabinis' method to incorporate features of Wilson relating to a mobile repeater station including functions of cache, proxy and server for storing transfer data.

Applicant's Response

Upon careful consideration, applicant continues to respectfully traverse such rejection, and asserts that present claims 18 and 20 are clearly patentably distinct over Karabinis and Wilson for the reasons discussed above in relation to claims 2-3 (which are not overcome by Wilson), the arguments previously asserted in relation to claim 18 and 20 in the Amendment B, and in light of the features now defined in claim 20 as amended above, which are not taught or suggested by Karabinis and Wilson. Thus, applicant respectfully requests that the rejection of claims 18 and 20 be reconsidered and withdrawn.

Other Matters

In Examiner's Response to Arguments, the Examiner suggests still that Karabinis teaches the limitations of the present invention including a plurality of mobile repeater stations, a communication link between the portable communication terminal via the repeater is without transmission to the satellite, and that the mobile repeater stations are not dedicated for use in association with any given ones of the portable communication terminals.

Applicant respectfully disagrees with the Examiners position. However, in order to

expedite prosecution of the application, and in order to overcome Examiner's rejections, applicant has further amended independent claim 3 in order to more precisely define that the communication links between a specific communication terminal and a specific communication satellite can be easily established by use of a plurality of communication channels, with each channel using different repeater stations.

New claims 21-23 are believed to be patentable over the references of record based on the foregoing arguments regarding the merits of claim 3 and on the merits of the additional features recited in the new claims.

The additional reference cited by the Examiner, Toler US Patent 4,056,779, has been considered but it is respectfully submitted that this additional reference fails to overcome the deficiencies of the Karabinis, Wesel, Lorbeck and Wilson references as discussed above in relation to the present claims.

Conclusion

Applicant has overcome the rejections set forth in the Office Action; and moreover, applicant respectfully submits that the invention defined by each of the present claims is clearly, patentably distinct over all of the references of record.

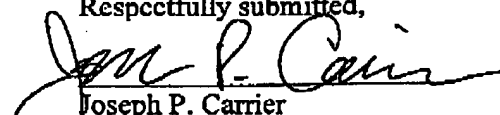
The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable reconsideration is respectfully requested.

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